

MDR Tracking Number: M5-04-1214-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 8-21-03.

The Medical Review Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the prescription medications Celebrex, Butalbital, and Propoxyphene were not medically necessary.

Based on review of the disputed issues within the request, the Medical Review Division has determined that medical necessity fees were the only fees involved in the medical dispute to be resolved. As the services listed above were not found to be medically necessary, reimbursement for dates of service 1/5/03 through 6/12/03 are denied and the Medical Review Division declines to issue an Order in this dispute.

This Decision is hereby issued this 5th day of April 2004.

Regina L. Cleave
Medical Dispute Resolution Officer
Medical Review Division
RLC/rlc

March 31, 2004

Rosalinda Lopez
Texas Workers' Compensation Commission
Medical Dispute Resolution
Fax: (512) 804-4868

Re: MDR #: M5-04-1214-01
IRO Certificate No.: 5055

___ has performed an independent review of the medical records of the above-named case to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of ___ and I certify that the reviewing healthcare professional in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

The independent review was performed by a matched peer with the treating health care provider. This case was reviewed by a physician who is certified in the area of chronic pain management and is currently on the TWCC Approved Doctor List.

REVIEWER'S REPORT

Information Provided for Review:

Correspondence
H&P and office notes
Functional capacity evaluation
Operative and radiology reports

Clinical History:

This claimant sustained an injury to her neck and shoulder in a work-related incident on _____. The claimant had her neck and shoulder problems evaluated and eventually was found to have a C6-C7 disc disruption eventually going on to have discectomy and fusion at that level. That was performed on 4/28/03. It has been reported that she still requires regular medical treatment with Celebrex, Darvocet, and Fiorinal.

Disputed Services:

Medications Celebrex butalbital and propoxyphene during the period of 01/05/03 through 06/12/03

Decision:

The reviewer agrees with the determination of the insurance carrier and is of the opinion that the medications in dispute as stated above were not medically necessary in this case.

Rationale:

Celebrex has no advantages as an analgesic over currently available over-the-counter preparations outside its reduced propensity to contribute to GI bleedings. Fiorinal is certainly not indicated in the management of chronic neck pain, and indeed, I found no indication to indicate headaches are cervicogenic in nature. Those who have experienced cervical discectomy and fusion may from time to time have pain exacerbations like those who have not and require prescription medications including narcotic analgesics. However, these pain exacerbations should be quite temporary and not require issuance of prescription medications for more than a few days at a time.

Sincerely,